F. NO 14/32/2000-T

GOVERNMENT OF INDIA
भारत सरकार

MINISTRY OF HOME AFFAIRS
गृह मंत्रालय

T. BRANCH
टी शाखा

TOP SECRET
परम गुप्त

N. G. O.
कार्यालय के लिए वर्जित

245

Released

File No. 14/32/2000-T
फाइल सं०

Notes/Correspondence
टिप्पणियां/पत्र-व्यवहार

Subject
विषय

Note - 02
Corrs - 58

Downgraded

(Please See Inside)
(कृपया अन्दर देखिए)

21.12.15
(प्रदीप गुप्ता)
(PRADEEP GUPTA)
संयुक्त सचिव/Joint Secretary
गृह मंत्रालय
Ministry of Home Affairs
भारत सरकार/Govt. of India

Previous References
पिछले हवाले

Later References
बाद के हवाले

21/12/15

1

TOP SECRET
F.No.14/32/2000-T

SUBJECT

Justice Mukherjee Commission of Inquiry appointed to enquire into alleged disappearance of Netaji Subhash Chandra Bose-Declassification of records.

(2)

S.NO.1(R) PP 1-55/cor.
S.NO.2(R) PP 56-58/cor.

As per directions of US(D IV), a new file is opened.

Submitted in file please.

09.10.2000.

9.10.2000

T. Branch

If there is no any further action in this file. We may seal it now & review it in 2003.

C-10

Relerdal 7/8

30/7/04

US(D/IV)

3/8/2004

Pl. Relerdal
now.
2003

Copy No. 3/8

3795/2000-T
9/10/2000

-1-

(1)

TOP SECRET
MOST IMMEDIATE

62/Dir(IS-I)/2000-T
18.9.2000

PRIME MINISTER'S OFFICE

Sub:- **Declassification of records.**

Important
This was handed over to me by PMO at my residence at 9.30 PM on Friday night. After going through this Comments I have finalised the submission on this Comments today. The file No in which this has been dealt with is I-12014/13/2000-IS-D-III

The Government of India has appointed the Justice Mukherjee Commission of Inquiry to inquire into the alleged disappearance of Netaji Subash Chandra Bose. In response to the communication received from the Commission of Inquiry ***vide*** letter No.JMC/Meeting/48/95, dated 23.5.2000, copy of seven top secret files pertaining to this Office were sent to the Commission with the request that while the Commission may make use of the top secret papers, in camera, they may kindly consider not publishing the same, since these are classified as top secret.

2. The Commission have ***vide*** their letter dated 6.9.2000 directed this Office to adduce specific reasons as to why privilege is being claimed against the disclosure of the contents of the Top Secret files, more so, when the Commission is holding a public inquiry and its reports will be a public document and contents of these files may have an important bearing. It also appears the Commission has been in touch with the Ministry of Home Affairs, Ministry of External Affairs, Government of West Bengal etc. for production of records relevant to the terms and conditions of the Commission of Inquiry.

3. Copies of the classified communications which originated from your Ministry/Department are enclosed. You are requested to kindly let this Office know immediately the view, if any already taken, regarding their declassification and production before the Commission. If a view is yet to be taken, the same may please be expedited and complete

on the subject of order/directions passed by Justice Mukherjee Commission of Inquiry and compliance made by MHA. This be kept in the file along with and note. A copy of this is also kept in T Branch along with other relevant documents. The file is kept in secret.

Sri Birlal Jahnoja
T Branch
18-9-2000
Dir(IS-I)

Sent to T Branch
7.10.2000
Dir(IS-I)

T Branch
US(D-IV)

information intimated to this Office latest by the forenoon of 18th September, 2000.

(Archana Ranjan)
Director

Shri R.D.Choudhury ,Director General, National Museum, Janpatrh,New Delhi-110011.

Shri P.Mehendru, Joint Director, Intelligence Bureau(MHA),New Delhi.

Shri A.K. Paitandy, Director (IS-I), Ministry of Home Affairs.

Shri G.B.Singh,Director, Ministry of Defence,History Division,West Block No. 8,R.K.Puram, New Delhi-110066.

Shri Ravi Mittal, Director, Cabinet Secretariat,New Delhi.

Shri Thomas, SO(NGO) Ministry of External Affairs.

PMO U.O.No.16(4)/2000-NGO dated 14/15.9.2000.

Encl. fifty three pages.

Sl No. 8

SECRET
PRIORITY

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

*****

MHA
G-12(3)/98-NGO

PMO may kindly refer to their letter No.G.12 (3)/ 98-NGO, dated 16th April, 1998 and 16th July, 1998 on the subject of a news item from the 'Hindustan Times' reporting that the Calcutta High Court has ruled that ashes should not be brought back until Netaji's death has been conclusively proved. Deptt. of Legal Affairs, Calcutta has forwarded a certified copy of the order dated 7.4.1998 (copy enclosed) wherein it has been stated that 'the Government of India shall obtain full particulars and evidence and satisfy itself about the genuineness of the claim that the ashes kept at the Renkoji Temple of Japan are that of Netaji Subhas Chandra Bose and take the people of India in confidence.

10.9.98
(A.K. Paitandy)
Director(IS.I)

Shri P.P. Shukla, Joint Secretary to PM, PM's Office
MHA U.O.No.VI/11034/114/97-IS(D.III) Dated, the 10.9.98

PS.
12/IX

Dir (S)

Submitted for further directions w.r.to order of Hd. Secy to Govt on p. 9/c.
15/9/98
DD/NGO

385/TS/Dir(S)/98
16/9

Dir(S)

PMO (NGO)
Dy. No. 1056
15-9-98

JS(P)

P.S.
16/IX

4732/JS(P)/M/98
16/9

Sl No. 7

SECRET
Immediate

Government of India
Ministry of Home Affairs
.....

MHA
G-12(3)/98-NGO

PMO may kindly refer to their letter No.G.12(3)/98-NGO dated 16th July, 1998 on the subject of a news item from the 'Hindustan Times' reporting that the Calcutta High Court has ruled that ashes should not be brought back until Netaji's death has been conclusively proved. For necessary follow up we have been pursuing this matter with our Central Government Advocate in Calcutta (Smt. S.Bhattacharya). We have requested her for a copy of the judgement in Writ Petition No. 1805/97 in case Asim Kumar Ganguly Vs. Union of India. There has been no response from the Central Government Advocate so far. We have even written to Registrar, Calcutta High Court requesting him for a copy of the judgement. The last communication to our Central Government Advocate has been sent through IB bag. We have written to her again. As soon as a copy of the judgement is received, we will be able to report the factual position in detail to PMO.

24.8.98.
(A.K.Paitandy)
Director (IS.I)

Sh. P.P.Shukla, Joint Secretary to PM, PM's Office,N. Delhi
MHA U.O.NO.VI.11034/114/97-IS(D.III) Dated 24.8.98

G-12(3)/98-NGO

PPS
25/VIII

DS(IS)

NCP 28/8

4474/JS(P)/M/98
25/8

S.No.4 (R)

SECRET

गृह मंत्री
भारत
नई दिल्ली-११०००१
HOME MINISTER
INDIA
NEW DELHI-110001

D.O.No.I/12014/27/93-IS-D III

Dear PV Narsimha Rao ji,

MHA. G-16(3)/95-NGO

Earlier this year, the question whether mortal remains of Netaji Shri Subhash Chandra Bose should be taken possession of in Tokyo and brought to India had acquired some urgency since the birth centenary year of Netaji is due in 1997. On this issue, my Ministry had taken a note to the Cabinet. The Cabinet, while defering the subject in its meeting on 8.2.1995 decided that the Ministry of Home Affairs may examine the dependability of arrangements in Japan and draw up a contingency plan for the proper up-keep of the mortal remains and our Ambassador be specifically requested to look into these aspects. Alongside, it was decided that efforts be made for creation of a favourable public opinion, in case a decision is taken to bring back the ashes to India.

2. The Ministry of External Affairs examined the matter in consultation with Indian Ambassador in Tokyo and have given the following opinion/suggestions -

i) The ashes of Netaji seem to be housed in an adequate manner in the Rankoji Temple, Tokyo, Japan. However, according to the Japanese tradition, there is no security at the Temple against any deliberate attempt to create problems. It is perceived that any request for strengthening of security may not go down well as the Rankoji Temple where the ashes are kept, is a place open to all.

ii) The pressure for shifting of the ashes from Japan to India is mainly from the old associates of Netaji who are advancing in age and who feel a personal sense of reponsibility for the ashes. Rev. Mochiziki, Priest Incharge of the temple has stated that he has absolutely no problem in continuing to look after the ashes and that he has no intention of doing anything without the full consultation and approval of the Government of India. It would thus appear that the overall situation is such that it does not warrant any precipitate action for moving the ashes. It may, however, be desirable if the contribution of Yen 6 lakh per annum donated by Government of India for the up-keep of the ashes is raised to Yen 1 Million.

iii) The Foreign office of Japan Government has on a number of occasions enquired whether in the light of the forthcoming 50th anniversary of Netaji's death and the centenary year in 1997, there is any proposal for shifting these ashes to

P.S. to P.M. 3192-S/95-PM(S)
Date 18/11/95
S.(P.M.O.)'s Office
No. 1307-S
11/11/95
1175/S/95

on file please
20.11

NGO Related Files are placed below
D.S.(S)

P.S. to C.(NGO)
Dy. No. 545/S/95
Date 21-11-95

5407/D.I(S)/95
20/XI

5-6/XI

गृह मंत्री
भारत
नई दिल्ली-११०००१
HOME MINISTER
INDIA
NEW DELHI-110001

India. The action of the Japanese Government has been more in nature of an enquiry than a suggestion. MEA feels that the Foreign office of Japan is unlikely to take any action in the matter without consulting the Government of India.

iv) Regarding the contingency plan, MEA has suggested that in the event the ashes are to be removed from the temple but not shifted to India, the only location to house the ashes would be the Indian Mission in Tokyo, where it could be kept in a strong room. This would, however, amount to acceptance by the Government of India that the ashes are those of Netaji. For this reason, it has been suggested that status quo should be maintained till a consensus is worked out in India for bringing the ashes.

3. In the light of the above opinion/suggestions of the Ministry of External Affairs, and in absence of any perceptive pressure eighter in Japan or India, it is felt that there does not appear any immediate need for disturbing the status quo till such time we are able to create a favourable public opinion in the country to bring back the ashes of Netaji to India.

4. In view of the facts enumerated in paras 2 and 3 of this note,PM may kindly consider the maintenance of 'Status Quo' in the matter.

With regards,

Yours sincerely,

(S.B. CHAVAN)

Shri P.V. Narasimha Rao,
Prime Minister,
South Block,
NEW DELHI.

S No (2)

TOP SECRET
Copy No. I/2

MHA
G-12(18)/94-Pol

MINISTRY OF HOME AFFAIRS

Sub.: Controversy regarding Netaji's death and bringing his ashes to India from Japan.

Principal Secretary to Prime Minister may please refer to his UO No.870/11/P/10/93-Pol. dated the 13th October, 1993 and this Ministry's UO of even number dated 20th April, 1994 on the above subject.

2. The matter was placed before the Committee of Secretaries which discussed it in its meeting held on 20th July, 1994. After deliberations, it arrived at the following conclusions:

(i) Since the Articles had not attracted any media attention so far, it was unlikely that such a contingency would arise in the future. Even in the unlikely event of these Articles appearing in the local media, its ripple effects were likely to be minimal since the basic thrust of the Articles did appear to project Netaji in a patriotic light as an opponent of fascism. However, some sensitivity did attach in this very suggestion of an association - presumably even if false - such as Netaji with MI-6. Prudence demanded, therefore, that GOI response on this issue should be minimal and as low key as possible. In fact, the issue is best left alone and if possible, allowed to be forgotten.

(ii) As regards the question of taking possession of the ashes was concerned, no particular advantage lay in taking a decision on this at this juncture since the birth centenary celebrations were due only in 1997. Therefore, a view could be taken in the matter in 1996-97 and till such time status quo should be maintained. The temple management may be persuaded to continue with the upkeep of the ashes and, if necessary, the maintenance charges being paid to the temple may be suitably increased to meet the increased cost.

(iii) Since it was best that as little publicity as possible was given to the entire issue, it was felt that it may not be necessary to place this matter before the Cabinet. PM may be apprised

J.S. (MH) - OFFICE
DY. No. T-4332/94
Date 30/8

246-TS/TS(N)/94
30.8.94

286/TS/Pr.Sec.to PM/94
11-8-94.

167/Pr.Sec.(S)/TS/94
12.9.94

N. S.No.(N&O)/354/T/94

Contd..... 2/-

TOP SECRET

accordingly and his directions obtained.

3. PM may kindly be apprised of this for his directions.

(K. PADMANABHAIAH)
Home Secretary

Shri A.N. Varma, Principal Secretary to PM

MHA UO No.I/12014/27/93-IS(D.III) dated 9th August, 1994.

MOST IMMEDIATE/BY SPECIAL MESSENGER
COURT CASE

M. VENKATESWARA IYER

संयुक्त सचिव
JOINT SECRETARY

Phone: 3015785

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
MINISTRY OF HOME AFFAIRS
नार्थ ब्लाक, नई दिल्ली-११०००१
NORTH BLOCK, NEW DELHI-110001
September 27, 1993.

D.O.No.5293/JS(A)/93

Dear Shri Vijay Kumar,

I enclose a copy of the judgement dated 4 March, 1987, delivered by Hon'ble Justice Mr. S.N. Bhargava of the High Court of Judicature, Rajasthan. As you will see, this judgement relates to the inquiry into the circumstances in which Netaji Subhash Chandra Bose died. The first inquiry in this matter was ordered by the Ministry of External Affairs who set up the Netaji Inquiry Committee under the chairmanship of Shah Nawaz Khan.

2. The aforesaid judgement has been relied upon in a writ petition filed in the Calcutta High Court by one Shri Bijan Ghosh and certain others who have joined him as added respondents.

3. According to the judgement of the High Court of Rajasthan, the Ministry of External Affairs were required to look into the matter once again and examine all the available evidence including all the papers and other materials which the petitioner had claimed that he had at his disposal. The concluding part of the judgement may please be seen in this regard.

4. As we have to give para-wise comments in respect of the writ petition pending in the High Court at Calcutta, we are interested in knowing immediately what action was taken by the Ministry of External Affairs in pursuance of the judgement of the High Court of Rajasthan.

5. We shall be grateful if you will consider the matter and send us a reply immediately. If you are not dealing with this matter, kindly pass it on to the concerned Joint Secretary with the request to send me a reply urgently. Also, kindly let me know who is the officer concerned so that I can be in touch with him.

With regards,

Yours sincerely,

(M. Venkateswara Iyer)

by
D. No. 10/93
27.9.93

Shri Vijay Kumar,
Joint Secretary (Coord),
Ministry of External Affairs,
New Delhi.

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH JAIPUR.

ORDER

Nand Lal Sharma Vs. Chief Secretary, State of Rajasthan and another.

S.B. CIVIL WRIT PETITION No. 992/1984

Under Article 226 and 51 of the Constitution of India.

DATE OF ORDER ::: JANUARY 18,1986

PRESENT

HON'BLE MR. JUSTICE S.N. BHARGAVA

Shri Nand Lal Sharma, petitioner in person.

Shri M.L. Gupta, Addl. G.C.

Shri P.L. Kumar, standing Counsel for Union of India.

BY THE COURT:

This is a writ petition filed by Shri Nand Lal Sharma on a very important national issue asking this court to order for starting an open judicial enquiry on international level to know about the alleged death of Netaji Subhash Chandra Bose, a national hero, and further to order to get him free, if he is still confined as a war criminal in any country. The petition was filed on 26.7.84. Along with the writ petition, an application was also filed that this case should be put up before a full bench for admission. When the case came up before Hon'ble the Chief Justice, he was pleased to order that the case may be put up for admission before me. The petitioner also filed an application giving the

summoned from the non petitioner No.2, Secretary, Ministry of External Affairs, Union of India and he also filed some additional documents on 27th August, 1984. Notices to show cause were issued to as why the writ petition should not be admitted and notices of the stay/ex parte applications were also sent to the non-petitioners. On 15th March, 1985, Shri B.P. Gupta, Standing Counsel for the Union of India was called for and was directed to file reply of the writ petition within one month. Time was again sought by Shri Gupta on 8.5.85 and the case was fixed for 8th July, 1985. Thereafter, it was adjourned for Jodhpur and the case was not listed before any other bench inspite of applications for early hearing filed by the petitioner. The case came up before me on 10th October, 1985, till then, no reply was filed by either the State of Rajsthan of the Union of India. Shri B.P. Gupta, learned ~~that~~ Standing Counsel for the U.O.I. submitted that he has received no instructions, though he had intimated the Secretary, Ministry of External Affairs. The case was ordered to be put up on 4.11.85 and the non petitioners were permitted to file reply before that date. Again on 19.11.1985, Shri Gupta submitted that he has received no instructions till then, inspite of written communication. Learned Deputy Government Advocate submitted that he has received instructions not to contest the writ petition on behalf of the State of Rajasthan. The petitioner wanted time to

file some additional affidavit and some interrogatories. The petitioner filed some more documents and also produced two printed books (1) NETAJI AZAD HIND FAUJ AND AFTER, BY R.M.KASLIWAL AND (2) AN INDIAN FREEDOM FIGHTER IN JAPAN, MEMOIRS OF A.M. NAIR. The case was taken up finally for arguments on 4.12.85. Shri R.P. Gupta still submitted that he has received no instructions and the Additional Government Advocate also reiterated that he had no instructions in the said matter. Hence, the petitioner was heard ex-parte in person and order was reserved.

The petitioner in this writ petition has submitted that he was a close colleague of Netaji Subhash Chandra Bose and played an important role for his escape from the prison and escaping out of India. In his petition, the petitioner has further submitted that two Commissions, namely Shah Nawaz Khan Commission and Justice Khosla Commission, appointed earlier by the Government of India to enquire into the disappearance of Netaji Subhash Chandra Bose, could not come to any definite conclusion for the various reasons mentioned in the writ petition and according to the petitioner the story that Netaji Subhash Chandra Bose died in a plane crash in Formosa was a fabricated one as the co-passengers who were supposed to have been travelling in that plane have lived for long [illegible] after the reported accident and the supposed death

file some additional affidavit and some interrogatories. The petitioner filed some more documents and also produced two printed books (1) NETAJI AZAD HIND FAUJ AND AFTER, BY R.M.KASLIWAL AND (2) AN INDIAN FREEDOM FIGHTER IN JAPAN, MEMOIRS OF A.M. NAIR. The case was taken up finally for arguments on 4.12.85. Shri R.P. Gupta still submitted that he has received no instructions and the Additional Government Advocate also reiterated that he had no instructions in the said matter. Hence, the petitioner was heard ex-parte in person and order was reserved.

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way for his safety, deserting his people, could not be believed. The petitioner has also referred to the news that Netaji was confined in Neuremburg Fort (West Germany) as a war criminal and after his death, he was to be released. In his application dated 6.8.84, he has given a long list of documents which he wanted the non petitioner No. 2 to produce so that some definite conclusion could be reached. In that ~~xxxxxxxxxxxxxx~~ application, he further assured that he will be submitting list of Indian and foreign witnesses who are willing to get their statements recorded and to cooperate if fresh enquiry was ordered. He also produced some extracts of the diary of Netaji Subhash Chandra Bose. He has also produced a newspaper Rajasthan Patrika (English edition), dated 18th August, 1985 containing an Article concerning Netaji Subhash Chandra Bose. He also produced an affidavit of Dr. R.M. Kaeliwal to the effect that whatever he had written in his book 'Netaji Aapki Nigah Fayz and after' is correct and true to the best of his personal knowledge and belief and specially in preface on pages between (iii) and (iv) and in Epilogue on pages 69 to 73. Another book produced by the petitioner namely, An Indian Freedom Fighter in Japan, ~~xxxxxx~~ memoirs of A.M. Nair containing ~~xx~~ Chapter No. 28, the Disappearance of Netaji Subhash Chandra Bose pages 272 to 284, in which the whole episode has been discussed in detail and doubts have been expressed

I have considered the whole matter. It [illegible] that Netaji Subhash Chandra Bose was a great national hero and a great freedom fighter. He led a strong revolutionary freedom movement in India and commanded great respect from the people of India. It is true that the Government of India was also concerned in this matter and appointed two commissions namely Shah Nawaz Khan Commission and Justice Mukherjee Commission to enquire into the whole matter regarding the disappearance of Netaji Subhash Chandra Bose but the people were not satisfied with the manner in which these Commissions functioned and there has been demand from the public that some other Commission should be appointed to go into the whole matter afresh and it is in that direction only that the present writ petition has been filed. Notices were issued both to the State of Rajasthan and the Union of India, but it is very unfortunate that none of them have cared to file any reply of the writ petition and produce relevant material before this court to come to some definite conclusion. Either because the Union of India is indifferent to this question as the matter had already been enquired more than once or the Government of India itself is not satisfied with the respect reports of the two Commissions and therefore does not want to contest the writ petition that has been filed for ordering a fresh enquiry in [illegible] Netaji Subhash Chandra Bose.

Since no reply has been filed on behalf of the respondents and no relevant documents have been produced in the court, it is not possible to come to a definite conclusion that the two earlier Commissions did not hold the enquiry properly or there were some inherent improbabilities. I do not think it proper to order a fresh enquiry without examining the whole matter which cannot be done without the assistance of the Union of India.

In the ~~fxxx~~ facts and circumstances, I think it proper to issue a direction to the non petitioner No. 2 to look into the matter dispassionately and hear the petitioner in person patiently and examine the documents and the ~~pxxxxxxxxxxxxxxxxxx~~ evidence that he wants to produce in support of his contention, and then come to a definite conclusion. In my opinion, six months time will be sufficient for the Union of India to examine the whole matter afresh with open mind and if necessary, invite public in general to produce material whatever it want in this connection before coming to a prima facie decision as to whether fresh Commission is necessary or not. Petitioner should submit all his papers, evidence and other material before Government of India and time of six months will start from the date the material is filed by the petitioner.

The writ petition, is therefore, disposed of accordingly.

Sd/-

S.N. BHARGAVA.

No. 1866 dt. 28/11/

Copy forwarded to the fr Home Secretary, New D

For information and necessary action.

DEPUTY REGISTRAR

/PART I/

3750/JS(AP)/93
5/10/93

सत्यमेव जयते

संयुक्त सचिव
गृह मंत्रालय
भारत सरकार
नार्थ ब्लाक, नई दिल्ली-११०००१
JOINT SECRETARY
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NORTH, BLOCK NEW DELHI-110001

Immediate
Hon Secretary's file may be sent
JS(H). PMO. Bnd please for
& reply. 7/10.

PHONE : 3015785

Dir (AP) MOST IMMEDIATE/BY SPECIAL MESSENGER/
COURT CASE

D.O.No.1/27/91-Public 5 October, 1993.

Dear Shri Dilip Lahiri,

I enclose a copy of my D.O.letter No.5293/JS(A)/93 dated September 27, 1993, addressed to Shri Vijay Kumar, regarding the judgement dated 4th March, 1987, delivered by Hon'ble Shri Justice S.N. Bhargava of the High Court of Judicature, Rajasthan, relating to the inquiry into the circumstances in which Netaji Subhas Chandra Bose died.

2. Shri Vijay Kumar told me that he has passed on my letter to you as you are concerned with the subject.

3. May I request you kindly to expedite your reply ? We are dealing with a writ petition in the Calcutta High Court in which the aforesaid Judgement has been relied upon and we have to tell the Court what action has been taken in pursuance of the Judgement. Any delay will embarrass us and will result in Contempt of Court proceedings.

With regards,

Yours sincerely,

(M. VENKATESWARA IYER)

Shri Dilip Lahiri,
Joint Secretary(AP),
Ministry of External Affairs,
New Delhi-110001.

P.S. I spoke to you today.
5.10.93

870/11/P/10/93 Vol. II

SECRET

MINISTRY OF HOME AFFAIRS

Subject: Controversy regarding Netaji's death and bringing his ashes to India from Japan.

Principal Secretary to Prime Minister may please refer to his U.O. No. 870/11/P/10/93-Pol. dated 13th October, 1993 on the above subject.

2. The matter was examined after obtaining copies of the two articles (three issues) that appeared in the bi-monthly magazine "Asia and Africa Today", in Moscow, in September, November and December, 1993. It was found that the second article by Mr. V. Touradjev (two issues) entitled "Whom Subhash Chandra Bose Fought against during the Second World War Years" was mainly intended to show that Netaji cooperated with the British Secret Service MI-6 and was a British plant in the heart of the Axis powers. Although the allegations are based on indirect evidence and are more or less speculative, yet they have serious potential of whipping up popular sentiments in India. The entire findings are based on alleged Soviet intelligence reports from Afghanistan and other places. There is reportedly no separate file on Netaji in the KGB Archives.

3. Views of MEA, IB and R&AW were ascertained. MEA feels that there is no need for over-reacting to the publication of such allegations, as there has been no publicity of these articles either in Russia or India. Mr. Touradjev has told our Embassy in Moscow that he has no plan to write any further articles unless further archival material becomes available to him from KGB Archives. IB is of the opinion that such publications, alleging links of Netaji and his associate with MI-6 and KGB, will evoke wide-apread reactions and could cause discomfiture to the Government. People in India would consider it to be a sinister design to tarnish the image of Netaji. R&AW has expressed similar views and is of the opinion that the possible replay of these write-ups in the Indian media has explosive potential.

4. In view of the sensitivity of the matter, we feel it would be prudent to take pre-emptive action to forestall further publications of such articles. MEA has, therefore, been asked to take up the matter with the Russian authorities at an appropriately high level to prevent publication of similar articles in future.

5. As for the controversy about Netaji's death and his mortal remains at Renkoji Temple in Tokyo, the matter has indeed assumed considerable urgency. It is being placed before the Committee of Secretaries (Core Group) for evolving a strategy, whereafter the matter would be placed before the Cabinet.

(N.N. Vohra)
Home Secretary

Shri A.N. Varma,
Principal Secretary to P.M.

MHA U.O.No. I/12014/27/93-IS.DIII Dated: April 20, 1994.

PS to PM
22/4
Dir (A)

on file

PS to PM
Feb 25/4

PS to PM
22/4/94

PRINCIPAL SECY to PM.
DY No. 1303-5
Date 21/4/94

J.S. (N)'S OFFICE
Secret Dy No. 2312

4584/PO/94
25/4

SECRET

MINISTRY OF HOME AFFAIRS
(I.S.DIVISION/DESK III)

Subject: Arrangements to bring ashes of Netaji Subhas Chandra Bose to India.

...

The Prime Minister's Office may kindly refer to their U.O.NO.F.2(64)/80-PM, dated 22.10.1980 on the subject noted above.

2. The matter is still under consideration. A further communication will follow as soon as a decision is reached.

(S. RANGASWAMI) 27/10/80
DESK OFFICER
Tel: 372050

PM's Office(Shri N.S.Sreeraman, Dy.Secretary)
MHA's U.O.NO.I/12014/6/80-IS(D.III),dated 27.10.1980

/SECRET/

MINISTRY OF HOME AFFAIRS
I.S. Division.D.III
******

Subject: Arrangements to bring ashes of Netaji Subhas Chandra Bose to India.

The Prime Minister's Office may kindly refer to their U.O. No. F.2(64)/80-PM dated the 25th August 1980 on the subject noted above.

2. The matter is under consideration. A further communication will follow as soon as a decision is reached.

(Dwarka Nath) 29.8.80
Desk Officer
Tel:372050

PM's Office(Shri N.S. Sreeraman, Dy. Secretary)

M.H.A. UO NO. 65/80-PMS/D.III/IS: dated the 29th August'80

Annexure to F.No. 2(64)/80-PM

/sp/

SECRET
IMMEDIATE

MINISTRY OF HOME AFFAIRS
FOREIGNERS VII SECTION

Reference enclosed copy of letter dated 1-9-79 and of its enclosures, from Shri T.N.Singh, Governor of West Bengal, addressed to the Home Secretary, regarding establishment of identity of Mrs. ANITA PFAFF (daughter of Netaji Subhash Chandra Bose).

2. This Ministry have no records pertaining to Netaji's reported marriage to a foreign lady or birth of a female child by that marriage. Intelligence Bureau has also been consulted and they have no record in this regard. Before sending a reply to the Governor on the above lines, this Ministry would like to be sure whether at any stage the then Prime Minister's Secretariat (now Prime Minister's Office) or the Ministry of External Affairs or the Cabinet Secretariat (R.A.W.) have been aware of visit to India of Miss Anita in 1960 and information supplied in this connection or if there are any papers to indicate Netaji's reported marriage to a foreign lady and birth of a female child by that marriage. We shall be grateful to have an urgent reply to this note.

(VINAY VASISHTHA)
UNDER SECRETARY TO THE GOVT. OF INDIA
Tel: 611984.

Prime Minister's Office (Sh. Prakash Shah, Joint Secy. to P.M.)

Ministry of External Affairs (Sh. N.Ravi, US (EE)

Cabinet Secretariat (Rearch and Analysis Wing)
(Sh. N. D. Dittta, Deputy Director)

MHA U.O.No.25022/109/79-F.VII Dated 6-2-1980.

Pl. check

Any papers?

Ds/(S.)

Pol. III

/ C O P Y /

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Government of West Bengal

RAJ BHAVAN
Calcutta 1,

September 1, 1979.

Dear Shri Varadan,

To the best of my recollection, Sardar Patel in his life time came to know of a daughter born to Netaji Subash Chander Bose in Germany as a result of marriage with a foreign girl. There must be some record in the Home Ministry as some money was remitted to her for her education and maintenance. One Smt. Anita Pfaff came here and met me. She was introduced to me by Dr. Sisir Bose as the daughter of Netaji. I had no reason to disbelieve him. Now I have received a letter from one Shri Arun Ghose which causes doubts on the whole position. I hope it should be possible to trace from the records of the Home Ministry about the real facts. I am enclosing a copy of the letter which gives details in this regard.

With best wishes,

Yours sincerely,
Sd/-
(T. N. Singh)

Shri T.C.A. Srinivasavaradan,
S e c r e t a r y,
Ministry of Home Affairs,
North Block, New Delhi 110001.

/ C O P Y /

Exclusively personal and Private

30 Aug. 1979.

Revered T.N. Singhji,

I came to learn from the Calcutta dailies that you have cordially received Mrs. Anita Pfaff, the so called daughter of Netaji Bose. You have been miscarried by cheap sentiment, because you do not know the back-ground of this canard as well as the character of Bose family of the day.

You are a freedom fighter and I being an executive member of All India Freedom Fighter's Samity (Regd.) it is my duty to bring you into light to establish the truth. The said girl is a posthumous child of one Co. Brizette of the then Asix Power. Her mother Mrs. Brizette died after a few months of delivery. Miss Emdie Shenkle was intimate friend and close door neighbour to this Brizette family and she took up the orphan as adotped daughter. A conspiracy duly hatched up by the Allies in Colaboration with Pro-British Congressmen to assasin the pious character of ardent bachelor Netaji Bose.

For your personal satisfaction I will request you to collect the official data of Mrs. Anita and her real identy in the decade of sixties when she was brought to India by Mr. Nehru, the then P.M. of India, for the first time. What was in her passport and visa papers ? Just enquire from the Home Deptt. and External Affairs Ministry. Also you should contact the Austrian authority to know whether any such girl did go through any school or University of Vienna or Austria whose father's name was Sri Subhas Chandra Bose. Don't be misguided by any member of so called Bose Family of the day. I was deeply connected with senior members of Bose family of the past .

With best wishes,

Yours sincerely,
Sd/- (Arun Ghose)

Address:

15, Jadu Bhattacharya Lane,
Calcutta - 700026.

THROUGH SP

SECRET/MOST IMMEDIATE
OUT TODAY

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
MINISTRY OF HOME AFFAIRS

SANGITA GAIROLA
JOINT SECRETARY(IS-I)
Tel: 301 5736

सत्यमेव जयते
संयुक्त सचिव
JOINT SECRETARY

D.O. No. VI/11034/18/98-D.III

March 16, 1999

Dear Sir,

Kindly refer to my D.O. letter of even number dated March 12, 1999 requesting you to kindly attend a meeting on 24th of March, 1999 at 12 P.M. in the Chamber of Union Home Minister in North Block, Ministry of Home Affairs, New Delhi

2. Due to unavoidable reasons this meeting has been **postponed** and will now be held on 25th of March at 12 P.M. The venue will remain the same. The inconvenience caused to you is deeply regretted.

With regards,

Yours sincerely,

Sangita Gairola
(Sangita Gairola)

Shri Brajesh Mishra,
Principal Secretary to PM,
Prime Minister's Office,
South Block,
New Delhi.

PRL. SECY to PM
DY No. 575-G/99 Office of J. S. (J)
Date 17/3/99 Dy. No. 1916-S
Date 7/4/99

SECRET/MOST IMMEDIATE
OUT TODAY

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
MINISTRY OF HOME AFFAIRS

SANGITA GAIROLA
JOINT SECRETARY(IS-I)
Tel: 301 5736

सत्यमेव जयते
संयुक्त सचिव
JOINT SECRETARY

D.O. No. VI/11034/18/98-D.III

March 12, 1999

Dear Sir,

As you may be aware, the Calcutta High Court in its judgement dated 30th April, 1998 on a Writ Petition No.281 of 1998 filed by one Shri Rudra Jyoti Bhattacharjee and Another Vs. Union of India & Others in the form of a public interest litigation has directed that the Central Government shall launch a vigorous enquiry into the disappearance of Netaji Subhas Chandra Bose. A copy of the judgement is enclosed.

The Government proposes to examine all aspects relating to the nature and mechanism of the new enquiry. Towards this end the Union Home Minister has convened a meeting on **24th of March, 1999** at **12.00 P.M. in his Chamber** in **North Block, Ministry of Home Affairs, New Delhi**, to elicit the considered views of eminent opinion makers like you.

I shall, therefore, be grateful, if you kindly make it convenient to attend the meeting.

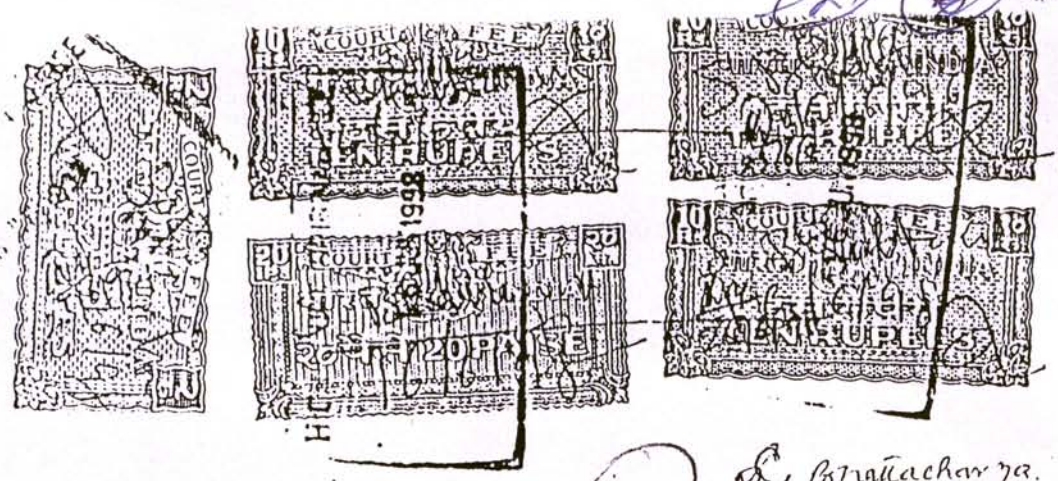
Yours sincerely,

Sangita Gairola

(Sangita Gairola)

Shri Brajesh Mishra,
Principal Secretary to PM,
Prime Minister's Office,
South Block,
New Delhi.

Office of J. S. (J)
By. No. 197-S
Date 7/4/99



B. Bhattacharya.
WP. 281/98
3) J/ 30.4.98
17/6.

W.P.No. 281 of 1998

In the High court at calcutta

Constitutional Writ Jurisdiction

Original Side

present :

The Hon'ble Mr.prabhas Shanker Mishra, Chief Justice

and

The Hon'ble Justice B.Bhattacharya

Rudra Jyoti Bhattacharjee & Anr.

versus

Union of India & Ors.

(public Interest litigation matter)

Judgement on : April 30, 1998.

prabha Shanker Mishra, C.J.:

It is difficult for us to pick up the threads to have any well-knit statement of fact from the contents of the instant petition yet, after our several attempts and after hearing the petitioner in person and the learned Advocate representing the respondents No.1 to 4, we have been able to gather some bits from here and some bits from there to have some comprehension of the narration in the petition.

The Asiatic Society, Calcutta is impleaded as one of the respondents. We do not, however, find any reason why any erogative order and/or direction be issued or made against the Society. Since, in our view, the Society is not a necessary party, we are not persuaded to issue any notice to it, name of the 5th respondent is accordingly deleted and expurged.

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Alleged mysterious disappearance of Netaji Subhas Chandra Bose, according to the petitioner requires direction inter alia, to the respondents herein (1) to classify and disclose all documents relating to Netaji Subhas Chandra Bose including the Indian National Army; (2) to make a categorical statement whether name of Netaji was and still is in the list of war criminals drawn up after the Second World war and issue a press communique to the said effect; (3) not to allow any agency or publisher or any person to publish the story of the death of Netaji Subhas Chandra Bose in the alleged plane crash on 18.8.1945; (4) to disclose the stand of the Government of India regarding Netaji Subhas Chandra Bose if he is found on Indian soil - "whether Government of India will welcome him or hand over him to the allied forces for trial as war criminal and make a press communique to that effect" and (5) to produce and or transmit all the records, files and documents as mentioned in Annexure 'F' to the petition about disappearance of Netaji Subhas Chandra Bose since August 18, 1945 and subsequent thereto.

petitioner has stated and in doing so he has only echoed and joined a multitude of Indians that for his gallant deeds for independence of India, Netaji is recognised as one of the greatest national leaders of international importance that his mysterious disappearance on and from August 1945 is still wreaking and agitating the minds of the citizens of India and that the story that was once floated that he died in the alleged plane crash on 18th August, 1945 at Tai Hoku in Japan is not accepted by the Indians.

One British Intelligence Officer allegedly informed one Amrik Singh Gill, who was awaiting execution of death sentence, on 19th August, 1945 that Netaji died in an aircrash on 18th August, 1945. Gill published the said information in a magazine of Netaji Centre publication at Kualalampur. The same was reprinted in Jayshree, a Bengali Magazine, in its Azad Hind Golden Jubilee number in October, 1993. Delhi Radio, on 21st August, 1945 made the announcement that Netaji died in an aircrash on 18th August, 1945(Ref., "A Springing Tiger" by Hue Toy, a Military Intelligence Officer of British Army). Quite a few publications and information to the above effect followed and when the controversy thickened and mystery deepend, the Government of India constituted Netaji Enquiry Committee in the year 1956 with Sri Shahnwaz Khan as the president and Sri Suresh Chandra Bose and Sri S.N.Moitra as Members. This was followed by appointment of a commission of Enquiry in the year 1970. Netaji Enquiry Committee as well as the Commission of Enquiry submitted their reports. On 28th August, 1978, however, the then prime Minister of India made a statement at the floor of the Lok Sabha that, "Shah Nawaz Committee and Khosla Commission hold the report of Netaji Subhas Chandra Bose's death following a plane crash as true. Since then reasonable doubts have been cast on the correctness of the two reports and various important contradictions in the testimony of the witnesses have been noticed. Some further contemporary official records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive." According to the petitioner, the above statement of the then prime Minister of India was a virtual and simultaneous burial of the Netaji Enquiry Committee and Enquiry Commission reports. However, on 11th

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April, 1979 the then Minister of State for Home Affairs made a statement on the Lok Sabha in reply to a question that was raised on the request by General Fujiwara of Japan for bringing the alleged ashes of Netaji from Renkoji Temple to India, "In the light of reasonable doubts cast on the correctness of the conclusions reached in two enquiry reports on the death of Netaji Subhas Chandra Bose, the Government finds it difficult to accept that the earlier conclusions are decisive. It will, therefore, not be possible to take any action at the present on the suggestion of Gen. Fujiwara to bring the ashes." According to the petitioner waxing and waning attitude and behaviour of the Government of India and other responsible persons have almost betrayed the design of precipitating and perpetuating the myth of the death of Netaji Subhas Chandra Bose in the alleged plane crash as reality without there being any serious effort to establish by hard and genuine evidence.

The petition with the facts as above, however, is littered with the statement that the then Government of India (British) after the second world war declared Netaji a war criminal and following the independence and almost simultaneously to India's taking a seat/place in the United Nations organisation ratified and agreed that war criminals of friendly countries would be delivered by the country holding them; thus agreeing that India would deliver all war criminals of the second world war to the Government of Great Britain, and since Subhas Chandra Bose was declared a war criminal by the Great Britain and India ratified and agreed to do so, it still holds Subhas Chandra Bose as War Criminal. The petitioner, in short, in this behalf has been agitating and asking - Does Government of India still hold Subhas Chandra Bose as a War criminal and thus does it behove the Government to treat Subhas shabbily as above, who while alive as well as in death is the embodiment of the ideals and images of a true Indian for all fellow Indians.

We have summarised above the material facts upon which the petitioner has sought for the reliefs as indicated above and omitted to mention particulars of information in any detail with respect to either statements or works about the death of Netaji as alleged and the mysterious disappearance, or on the Government of India even unwittingly as alleged, still holding that Netaji is a war criminal. Narration of the facts, however, shall remain inconclusive if we do not refer to a recent case (W.P.No.1805 of 1997) which has been disposed of by a Bench of this Court on 7th April, 1998. The said petition was filed as vox populi when newspapers like the Bartaman in its publication of 23rd August, 1997 and the Anandabazar in its publication of 27th August, 1997 published/reported that the then Defence Minister had stated that he would bring the ashes of Sri Subhas Chandra Bose from Renkoji Temple of Japan, After referring to the judgement of the Supreme Court in Union of India Versus Bijon Ghosh [1998 W.B.L.R.(SC) page 9] and the publications aforementioned, this Court in its judgement in the said case has stated as follows :-

> "When the Government of India intended to honour him by conferring the Bharat Ratna Award and used in press communique the expression 'posthumously', a petition under Article 226 of the Constitution of India was moved and against an interlocutory order therein a Special Leave petition was preferred before the Supreme Court ******** We have no manner of doubt that a responsible Government of the people of India will do nothing which would undermine the stature and image of Netaji Subhas Chandra Bose. Except in such proceedings in which any legal presumption is available, for purposes as the acceptance of ashes as that of Netaji Subhas Chandra Bose,

it is not possible to accept that he died on 18.8.1945 or at any time thereafter unless thereis conclusive evidence. Any ashes of a dead person in the absence of such evidencecannot be accepted as that of Netaji by the people of India. It would be difficult to accept that the Defence Minister of the country has made a statement of such consequences without verification of the facts, yet responsible newspapers like Bartamann Ananda Bazar have so reported and the petitioner has moved this court as he is, as stated, alarmed that theGovernment of India has intended to accept the factum of the death of Subhas Chandra Bose in the shape of ashes which are allegedly stacked and kept at Renkoji Temple, Japan. Before closing the proceedings, however, in view of the assurances that nothing of the sort is likely to be done by the Government of India, we are inclined to order that beforeaccepting the ashes which are allegedly kept at the Renkoji Temple, Japan as that of Netaji Subhas Chandra Bose, the Government of India shall obtain obtains full particulars and evidence ar satisfy itself about the genuineness of the claim that the ashes kept at the Renkoji Temple of Japan are that of Netaji Subhas Chandra Bose and take the people of India in confidence."

Thus, on the questions of death of Netaji, that he died in the plane crash, that his ashes arekept at Renkoji Temple of Japan, that Government of India is almost accepting that Netaji has died and that his ashes are being brought to India, in our view, are fully answered by the judgementin W.P.No.1805 of 1997 dated 7th April, 1998. That needs, however, to be clarified for all concerned (to bear in mind that Government of India did realise that full facts and evidence were required

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to be gathered from every person and place and it appointed first the Enquiry Committee and next Enquiry Commission. After the reports of the Committee and the Commission were submitted, the then prime Minister made categorical statement in the Lok Sabha that since the reports, reasonable doubts havebeen cast on their correctness, various important contradictions are noticed in the testimony of the witnesses and further contemporary official documentary reports have become available, "in the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive.")

(Official stand of the Government as expressed in the Lok Sabha on 28-8-1978 is reiterated on 11-4-1979 by the then Minister for State of Home Affairs. Two deviations/aberrations, however, occured first when Government of India intended to honour Sri Subhas Chandra Bose by conferring 'Bharat Ratna' Award and used in the press communique the expression posthumously and secondly recount by Defence Minister of the country made a statement that Government of India intended to accept the factum ofdeath of Subhas Chandra Bose and bring the ashes which are stacked and kept at Renkoji Temple in Japan.)

British quit India and the country got its independent but with Dominion Status in the British Empire on 15th of August, 1947. The people of India, however, resolved to constitute it into a Republic and their Constituent Assembly on 26th day of November 1949 adopted, enacted and gave to the people the Constitution of India, to be effective on and from 26th of January 1950. On 15th of August 1947, India, indeed, achieved Independence and inherited the British sovereignty as well as British legacy. When the people, however, adopted the Constitution and established the Republic, India unsackled itself from the yoke of

past to start afresh with the goal of justice, Social, Economic and political, Liberty of thought, expression belief, faith and worship, Equality of status and of opportunity and to promote among them all Fraternity assuring the dignity of the individual and the unity and integrity of the Nation and guaranteed Equality of law and equality before law to all persons and freedoms of speech and expression, assembly peaceably and without arms, of association or Union and of movement freely throughout the territory of India and to reside and settle at any part of the territory of India. Article 13 of the constitution declared laws inconsistent with or in derrogation of the Fundamental Rights in part-III of the constitution void and inhibited the State from making any law which took away or abridged the rights conferred by part III.

The status Netaji Subhas enjoys in the Indian Republic is that of a person who is a Bharat Ratna. He enjoys a greater status in the hearts and minds of the people of India than a mere title which the Government bound by the rules of procedure intended to confer upon him. The expression 'posthumously' in the communique of the Government of India when Bharat Ratna was to be conferred indeed was a sad and irresponsible act at some executive level of the Government which caused wide-spread resentment and as noticed by the Supreme Court in Union of India v. Bijon Ghosh(Supra), "in deference to the feelings so eloquently expressed in this proceedings and which have no doubt conveyed to the Union of India, the award was in fact not conferred and the prpposal was dropped." Another aberrative act caused the filing of W.P.No.1805 of 1997 and this court has ordered, "before closing the proceedings, however, inview of the assurance that nothing of the sort is likely to be done by the Government of India we areinclined to order that before

accepting the ashes which are allegedly kept at the Renkoji Temple at Japan as that of Netaji Subhas Chandra Bose, the Government of India shall obtain full particulars and evidence and satisfy itself about the genuineness of the claim that the ashes kept at Renkoji temple of Japan are that of Netaji Subhas Chandra Bose and take the people of India in confidence."

The two aberrations are outside the Lok Sabha. True, one which carried the express 'posthumously' was a communique of the Government of India which is deference to the popular feeling was withdrawn but the other, that is to say, thestatement of the Defence Minister in respect of the ashes of Netaji was neither a statement in any of the Houses of parliament nor in any communique of the Government of India. That was out and out a statement most unwittingly made by the Defence Minister of the country. The Official stand of the Government of India, thus, is that notwithstanding the reports of the Enquiry Committee and the Commission of Enquiry aforementioned, there are doubts as to the death of Netaji in the manner as reports indicated and that there was/is a need to have further probe and enquiry to conclusively establish that Netaji has died, that he died in the plane crash, as alleged, and that his ashes are lying in some temple in Japan. With such specific stand when the Government has informed the parliament more than once as above and no further enquiry or probe has yet been held, it is beyond imiagination that Government of India without further or fresh enquiry and/or probe would accept the factum of death of Netaji Subhas and/or of the alleged air-crash death and/or the ashes being kept at a temple in Japan.

Learned Counsel for the respondents has categorically assured the court that the Government of India has been maintained and is maintaining even now that a further/fresh enquiry/probe is required and the information that Netaji died in the

plane crash on August 18, 1945 is full of loopholes, contadictions and therefore inconclusive.

It is difficult to perceive why the petitioner has been harping on Netaji being a war criminal for the Indian Republic and its people as declared by the British Government in year 1945 or in year 1946. True people of India fought along with the British against Japan, German and Italy but they continued their way of Independance against them until they quit India on 15th of August 1947. For British, one who stood against their oppressive acts was a criminal. For Indians, he was a freedom fighter. For British, who supported their was efforts friends and allies. For India all who stood against aggression and subjugation were friends.

Netaji Subhas Chandra Bose had launched his own war for Independence of India, formed Indian National Army (I.N.A.) marched ahead to free the people of India from subjugation and reached Indian territory of the Andaman and Kohima, Manipur. His was an army of Indians, for the Indians and for the Independence of India. Such a hero however when India achieved its independence was mysteriously missing. It (India) has been waiting to welcome its Hero. He has, however, not been found yet.

People in India are not going, it is clear from the aforementioned events, to accept that their hero who led the first National Army is dead unless they are convinced after seeing conclusive evidence in this regard. Who then will call Netaji a war criminal ? Any Indian public except a traitor, a person who does not have the defence and love for the country and its heros alone can do so. We do not have any hesitation

in concluding that the statements in documents which are lying archives which are to the effect that Netaji is a war criminal and all persons who have been saying such a thing are relies of the British Raj. The petitioner shall be well advised to disabuse himself of even remotest/faintest idea that the people of India, and the Government of India since it is the Government of the people of India, can ever in dreams would think of Netaji as a war criminal or a traitor. As we understand same and understanding people in Great Britain too take him as one of the ablest sons of India and one of the most loved by the people of India. We see thus no reason why any Rule be issued to de-classify and disclose all documents relating to Netaji Subhas Chandra Bose including Indian National Army untill such inquiry as is derived is held. De-classification and disclosure of the contents of sensitive documents cannot be insisted upon unless one is satisfied that such disclosure would not be against the interest of the sovereignty and integrity of India, the Security of the States, friendly relations with foreign States, public order, decency or morality or in relation to contempt of Court or defamation or would not cause incitement to an offence(see Article 19 of the Constitution) and if made would not harm the public interest. In the instant case we have reasons to believe, any such disclosure would not held the cause of the public at all.

We see absolutely no reason for any statement from the respondents whether Netaji Subhas Chandra Bose is still in the list of war criminals drawn after the second world war. As we have indicated above, no one much less people of India, would allow any person to treat Netaji as a war criminal. For, Indians Netaji is one of the great patriots.

It is difficult similarly to imagine how any Indian would think that Netaji would not be welcome on the Indian soil when Indians hold him amongst the best a few sons of India. The petitioner, as we have observed earlier, has been ill-advised to seek any disclosure from the Government of India or such information whether Government of India would welcome him or hand him over to the Allied Forces for trial as war criminal. Such misconceived ideas, in stead of helping the cause, as we have observed above, would cause dissensions and resentments and unnecessary bickerings. We are inclined however to take notice of one aspect of the matter ; There has been no positive attempt it seems after the statement by the prime Minister in the year 1978 and by the Minister of State for Home Affairs in 1979 that the findings in the reports of Netaji Enquiry Committee and Commission of Enquiry were not conclusive and decisive for any further or fresh enquiry and no serious effort in this behalf has been made. It seems lapses have occured from time to and public at large is dissatisfied. It is, therefore, necessary that respondents are told that their silence may not be appreciated in the matter and they for obvious reasons, as indicated above, should proceed in some effective manner to enquire into the circumstances of the death, whether Netaji has died and if he is alive where is he, with due despatch. Various publications some saying Netaji has died, some saying - No, he has not, some accepting the plane crash story, some not accepting it, some suggesting that the ashes in the temple in Japan are that of Netaji and others not accepting, somebelieving, and seriously, that Netaji is still alive and is available in some part of the world cause confusion and sometimes irritation and anger in public. No publication which would affect the friendly relations with foreign States, public order, the sovereignty and integrity of India, cause defamation or incitement to an offence should be

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permitted. We have reasons to think that such irresponsible publications do sometimes affect public order and cause incitement to violence.

Some publications in respect of which mention is made by the petitioners which are per se defamatory to the National Hero Subhas Chandra Bose. One of the most charished rights of the Indians is the freedom of speech and expression, yet it is important that this right is not exercised to disturb public order or cause incitement to offence or defamation. We have not, however seen such publications as a whole except such excerpts which are quoted by the petitioner for forming any conclusive opinion that books already published need to be prescribed. Yet we are satisfied that there is a need to give a fresh look to such publications and prescribe such books or such portion of the books which spent one way or the other on the subject of the death of Netaji Subhas Chandra Bose's pre-independent activities in respect of which the Government of India is yet to complete enquiry. All fresh or new publications, in our view, shall also need a similar scrutiny and all such scrutiny shall be made keeping in view Article 19(1)(a) read with Article 19(2) of the Constitution of India and the observations made above.

For the reasons aforementioned, we are inclined to direct as follows :-

(1) Respondents shall launch a vigorous enquiry in accordance with law by appointing, if necessary, a commission of enquiry as a special case for the purpose of giving an end to the controversy

(a) whether Netaji Subhas Chandra Bose is dead or alive ;

(b) if he is dead whether he died in the plane crash, as alleged ;

(c) whether the ashes in the Japanese temple are ashes of Netaji ;

(d) whether he has died in any other manner at any other place and, if so, when and how ;

(e) if he is alive, in respect of his whereabouts.

(2) The respondents shall follow for the said purpose the directions of this court given in W.P.No.1805 of 1997 namely, to take the people of India in confidence ;

(3) Respondents shall at appropriate level examine/ scrutinise all publications pertaining to the matter as above and prescribe, if necessary, all such publications which appear to touch the question of death or otherwise of Netaji if the same has the effect of disturbing the public order and causing incitement of violence ; HRD

(4) Respondents, if so advised, shall inform all publication Houses to take its prior permission before any publication on the subject above is made and before granting such permission, scrutinise in the manner as indicated above. HRD

This disposes of the writ ~~pet~~ application.

All parties are to act on a signed xerox copy of this judgement and order on the usual undertaking.

Sd/- prabha Shanker Mishra

B.Bhattacharya, J.:

I agree.

Sd/- B.Bhattacharya

Prd.

25/6/98

W.P.No.281 of 1998

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Original Side

Rudra Jyoti Bhattacharjee & Anr.

vs.

Union of India & Ors.

(public Interest litigation matter)

Date of Judgement : April 30, 1998.

(I) Date when the decree or order judgement was completed 16.6.1998

(II) Date of application for copy 8.5.1998

(III) Date of affixing the requisite number and stamps. 16.6.1998

(IV) Date of delivery of the requisite stamp 16.6.1998

(V) Date on which the copy was ready 25.6.1998

(VI) Date when delivery was taken of the copy applied by the applicant 25.6.1998

Judgement delivered by the Hon'ble Mr. prabha Shanker Mishra, Chief Justice and the Hon'ble Justice B.Bhattacharjee

Filed this 16th day of June, 1998.

Registrar.

800/6/4/3/88-Pol

SNC.4

SECRET

No. S-122/87-FCRA-I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
....

New Delhi, the 28 1988

Subject:-Transfer of funds (Rs.114 crores) to the Govt. of India from Burma, Japan and Singapore for construction of Netaji Memorial in Delhi - claim of Shri V.K.C. Ramalingaswami Nadar.

...

In continuation of this Ministry's O.M. of even number dated 28th January 1988 on the subject mentioned above (copy enclosed for ready reference) the undersigned is directed to say that PM's Office has requested for the present position of the case vide their U.O. No.2(64)/88-PM, dated April 20, 1988 (copy enclosed). The same may kindly be intimated directly to PM's Office.

Sd/-(KANSHI RAM)
Deputy Secretary to the Govt. of Indi

Ministry of Finance,
Deptt. of Economic Affairs,
(Banking Division)
(Shri Mantreshwar Jha, Jt. Secretary)
New Delhi.

No. S-122/87-FCRA-I New Delhi, the 28 अप्रैल APR 1988

Copy to Shri H.C. Baskshi, Director, Prime Minister' Office New Delhi with reference to PM's Office U.O. No. 2(64)88-PM, dated April 20, 1988. Latest position may kindly be asked from Ministry of Finance when the case was transferred. PM's Office was earlier informed vide this Ministry's U.O. No.Dy.S-122/87-FCRA-I, dt. 30.11.87.

28/4

Sd/- (KANSHI RAM)
Deputy Secretary to the Govt. of India.

प्रयोग के लिए प्राधिकृत
AUTHORISED FOR ISSUE
अनुभाग अधिकारी
Section Officer
गृह मंत्रालय
Ministry of Home Affairs

28/4/88

8043-Pol/88
29-4-88

S.No. 17

Secret
Immediate

2/64/56-70-PM (Vol.V)

R.Vasudevan,
Deputy Secretary.

D.O.No.F.25/48/70-Poll-II
Ministry of Home Affairs.

Dated: 18.11.1970

Dear Shri Dass,

VG No. 16

I am desired to enclose a copy of the letter addressed to the Prime Minister by Shri Chitta Basu, M.P. and to request that the considered views of the Commission may kindly be forwarded to us. The Ministry of External Affairs will be requested to assist in securing such documents as are considered relevant by the Commission.

Yours sincerely,

Sd/- R. Vasudevan

Shri B.K. Dass,
Secretary,
Netaji Inquiry Commission,
Ministry of Home Affairs,
New Delhi.

MOST IMMEDIATE
SECRET

MINISTRY OF HOME AFFAIRS
(FCRA - I)
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Sub:-Regarding transfer of Rs.114 crores to the Govt. of India from Burma, Japan and Singapore for construction of Netaji Memorial in Delhi.

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Prime Minister's Office may please refer to their U.O. No.2(64)/87-PM dated the 5th March, 1987, on the subject noted above. Since the subject matter pertains to the Ministry of Finance, the original papers alongwith I.B.'s report obtained in the matter (copy enclosed) are being transferred to the Ministry of Finance for settlement of the claim and to send a reply to Prime Minister's Office.

Indira Misra
(INDIRA MISRA)
JOINT SECRETARY TO THE GOVT. OF INDIA.

Prime Minister's Office (Shri Pulok Chatterji, Dy. Secy.)
MHA U.O. NO.Dy.S-122/87-FCRA-I dated the 27th November 19

30 NOV 1987

Copy to the Ministry of Finance w.r.t. their No.36/22/87-B.O.III dated the 14th July, 1987, alongwith all the original papers and I.B.'s report for settlement of the claim and to send a suitable reply to the Prime Minister's office.

(INDIRA MISRA)
JOINT SECRETARY TO THE GOVT.OF INDIA.

Pol. - III

PPS

Papers are placed below. pl
4-12-87

I.A. & F.M. may kindly see for information with ref. to this note at page 2/N. pl

Secretary

155/POL/87
31.12.87

PARLIAMENT QUESTION

D.O.No. 21/52/78-T

भारत सरकार
GOVERNMENT OF INDIA
गृह मन्त्रालय
MINISTRY OF HOME AFFAIRS

सत्यमेव जयते

S. BANDYOPADHYAY
DEPUTY SECRETARY

NEW DELHI-110001,

November 21,1978

Dear Shri Sreeraman,

Kindly refer to Rajya Sabha Starred Question Dy. No. 402 on the subject of INA Treasure which the Ministry of External Affairs is said to have transferred to the P.M's Office.

2. The Ministry of External Affairs had requested us to check up whether the subject of INA Treasure was at any stage brought to the notice of the Khosla Commission in view of part (g) of the Question. A perusal of the records in this Ministry shows that whatever documents were required by the Commission were furnished by the Ministries concerned either directly or through this Ministry and the papers had, after the winding up of the Commission, been returned to the respective Ministries direct. It is not, therefore, possible to indicate how much of the records pertaining to INA Treasures were made available to the Commission. It is however observed that the Ministry of External Affairs's file No. 25/4/NGO-51 on the subject was specifically asked for by the Commission in March, 71. Whether it was actually furnished to the Commission or not may have to be checked up with reference to the correspondence in the Ministry of External Affairs's file No. C/551/8/70-JP and C/551/4/72-JP. Similarly file No. 23(11)/56-57-PM on the subject of "INA Treasure" had been furnished by the P.M. Sectt. to the Commission. It was returned by the Commission and acknowledged in your D.O.No. 2/64/74-PM dated 27.7.74.

3. In view of the above and since a mention has been made to the subject in para 8.51 of its Report by the Commission it appears that the records pertaining to the INA Treasure were made available to the Commission.

4. A copy of the final answer that may be given to the House may kindly be furnished to us also for our record.

Yours sincerely,

21.11.78.

(S. Bandyopadhyay)

Shri N.S. Sreeraman,
P.S. to P.M.,
P.M's Office,
New Delhi.

2/64/56-70 PM (Vol.V)

SECRET

S.No.34 No.24/6/71-Poll.I

भारत सरकार
GOVERNMENT OF INDIA
गृह मन्त्रालय
MINISTRY OF HOME AFFAIRS

सत्यमेव जयते

B.K. GOSWAMI
DEPUTY SECRETARY

NEW DELHI
NOVEMBER ,1971.

10 NOV 1971

Dear Shri Tandon,

Kindly refer to your letter no.PMS 23774 dated 23rd October, 1971, addressed to Shri Srinivasavaradan, regarding the visit of the Netaji Inquiry Commission to Taihoku.

2. The question of the visit of the Netaji Inquiry Commission to Taiwan was examined towards the close of 1970 on a suggestion from the Commission itself. The Ministry of External Affairs informed us, after enquiries from our Commission in Hong Kong, that the Taiwan Government are not willing to extend facilities to the Commission unless an official request in that regard was made to them by the Government of India. It was also clarified by that Ministry that the Government of India would not be in a position to take up the matter officially with the Taiwan Government because we do not recognise the Government of Taiwan. In the circumstances it has not been possible to arrange for Commission's visit to Taiwan.

Put up with file next week
10/11/71

Kind Regards

Yours sincerely,

(B.K. GOSWAMI)

Shri B.N. Tandon,
Joint Secretary to
Prime Minister,
P.M.'s Secretariat,
New Delhi.

No. 2/64/56-68-PM (Vol IV)

148

COPY NO._____ SECRET

MINISTRY OF HOME AFFAIRS

Note for the Cabinet

Subject:- Disappearance of Netaji Subhas Chandra Bose in 1945.

In April 1956, in response to the public demand, Government of India appointed an Enquiry Committee to ascertain the circumstances concerning Netaji's departure from Bangkok on 16.8.1945 and his alleged death in an air-crash. The Committee consisted of the following:-

(i) Shri Shah Nawaz Khan, M.P., Parliamentary Secretary to the Minister of Railways and Transport;

(ii) Shri Suresh Chandra Bose, elder brother of Netaji Subhas Chandra Bose; and

(iii) Shri S.N. Maitra, I.C.S., formerly Chief Commissioner, Andamans and Nicobar.

The Committee examined witnesses in Delhi, Calcutta, Bangkok, Saigon, Tourane and Tokyo. They also examined books and articles about Netaji Subhas Chandra Bose and studied relevant classified records pertaining to the matter.

2. The members compared and discussed the statements of the witnesses whom they had personally interviewed and took into consideration the evidence from several sources. The three members of the Committee then arrived at certain broad conclusions and

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unanimously agreed that the report should be written on the basis of these conclusions. These were summarised in a list entitled "Principal points agreed to for Draft Report dated 30.6.1956". This was signed by all the three members of the Committee on 2.7.1956.

3. Shri Suresh Chandra Bose had agreed with the principal conclusions and signed the documents containing these on 2.7.1956. The conclusions confirmed that Netaji had, in fact, met his death in the crash on the 18th August, 1945 at Taihoku. Shri Suresh Chandra Bose, however, submitted a dissentient report stating that there had been no plane crash involving Netaji's death as concluded in the Committee's Report.

4. The Cabinet considered the Report of the Enquiry Committee signed by Shri Shah Nawaz Khan and Shri S.N. Maitra on 9th September, 1956 and accepted the finding that Netaji had, in fact, met his death as a result of the air-crash on 18th August, 1945. The Cabinet also decided that "the question of bringing over Netaji's ashes to India might be left for future consideration". A copy of the Report was laid on the Table of the House by late Prime Minister Nehru on 11th September, 1956 when he informed the House that the Government had accepted the findings of the Committee. The dissentient report too was placed on the Table of the House on 12th December, 1956, and in doing so the Prime Minister again confirmed that the Government had

accepted the majority report.

5. Briefly, the conclusions of the majority were that about the spring of 1945 the defeat of the Axis Powers became likely, and Netaji Subhas Chandra Bose began thinking of the future activities of himself on the one hand, and of the Indian Independence League and the Indian National Army on the other. As regards himself, he decided to leave South East Asia and to take refuge in Russia, whence, in due course, he could re-emerge and continue the struggle for India's freedom against the British. As regards the Indian Independence League and the Indian National Army, he appeared to be undecided and desired to consult with his allies, the Japanese, before imparting final instructions.

6. With a view to implementing these intentions he left Bangkok on the 17th August, 1945, for Saigon, whence he had been promised passages for himself and 6 companions by a Tokyo-bound Japanese military plane.

7. At Saigon, however, there was a serious disappointment: only two passages in an Air Force bomber were offered by the Japanese Military Command, which, as a consequence of Japan's surrender to the Allies on the 15th August, 1945, found itself short of air transport. After some discussion Netaji found himself obliged to accept the 2 passages offered, and with the approval of his companions selected Col. Habibur Rehman to accompany him. Netaji and Col. Rehman accordingly took off for

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Tokyo by the bomber about 5.00 p.m. on the 17th August, 1945.

8. Apart from Netaji and Col. Rehman the bomber included 6 Japanese Service Officers as passengers, and a crew of 5 or 6 persons.

9. The bomber landed for the night at Tourane on the Indo-China coast at about 7.30 p.m., and took to the air again with the same inmates at 5.00 a.m. the next morning. The next brief stop was at Taihoku in Formosa in the early afternoon of 18th August, 1945. While taking off from Taihoku later in the afternoon, however, the propeller and the port side engine of the bomber which appears to have been defective even from the start, suddenly dropped out, with the result that the plane immediately crashed about 50 metres off the run-way and burst into flames. Suffering from severe burns Netaji was carried into the Taihoku Military Hospital, where after some hours he passed away.

10. Two days later, on the 20th, his body was cremated in the Taihoku Crematorium. His ashes were collected and temporarily kept in the Nishi (West) Honganji Temple in that city until the 7th September, 1945, when they were flown to Tokyo. There they have since been lying in the Renkoji Temple.

Dissentient Report

11. The main burden of Shri Bose's dissentient report is that late Prime Minister Nehru had already made up his mind and had agreed to the enquiry only in

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response to a pressing demand from a large section of the people. Secondly, Shri Bose has charged that two of the members of 3-man Committee were under a "mandate" to arrive at findings which would conform with the pre-conceived notion of the late Prime Minister Nehru that Netaji was dead. He has also charged that he was not taken into confidence by the other two members and was not shown all the relevant material to institute an impartial enquiry. The Committee, he has asked was dominated by the two official members and considered only selective evidence which would only enable them to arrive at the pre-conceived conclusion that Netaji had died in the crash at Taihoku. Shri Bose has gone further to charge that some of the officials of the Government of India had tried to harass and pressurise him into accepting the conclusions of the other two members.

12. Shri Bose mainly picked up small contradictions in details relating to the height of the aircraft, timing of the aircrash, etc. He also maintained that there was evidence contradicting that there was any aircrash at all. This dissentient report was carefully examined by the Government and when laying the report on the table of the House on 12.12.1956, Prime Minister Nehru said that Government adhered to their acceptance of the majority report.

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13. There have been repeated demands for undertaking another enquiry ever since the Shah Nawaz Khan Committee Report was published. However, Government

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having accepted the findings of the Committee, have taken the position that unless fresh evidence or new facts were brought to light a further enquiry was not warranted. Rumours about Netaji's survival and whereabouts, etc., have cropped up repeatedly. Each of these, whenever brought to Government's notice, has been investigated and generally found to be baseless. In 1962, rumour was spread that a Sanyasi of Shaulmari Ashram was in fact Netaji. The Sanyasi, Swami Shradhanand himself denied the rumour. Another claim made by Dr. S.N. Sinha that Netaji was incarcerated in Cell No. 46 of Yakutusk prison in Siberia has not been corroborated by any tangible evidence. Lt. Gen. Fujiwara of Japan who came to India to present Netaji's sword, while urging for further investigation, did not produce any evidence to contradict the findings of the Shah Nawaz Khan Enquiry Committee. Recently a press report in a Bengali Daily, "Jugantar", based on information given by an ex-Indian army personnel, presently employed in West Bengal Police (as Inspector of Police, Security Control, Calcutta), that Netaji left Singapore by submarine towards the end of 1945 was investigated and found to be hearsay and vague information. The latest instance is of the news report claiming that Netaji Subhas Chandra Bose had spoken from Radio Moscow after the Tashkent Agreement. On checking up with Radio Moscow authorities, it was discovered that a student by

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the name of Subhas Chandra had in fact made the broadcast.

Correspondence between Prime Minister Nehru and Shri Amiya Bose

14. It has been claimed by Shri Amiya Nath Bose that Prime Minister Nehru, in his letter of April 22, 1964, to him, had accepted that "something should be done to finalize the question of Netaji's death". However, there is nothing to suggest, in the context of the entire correspondence, that at any time Prime Minister Nehru had entertained any doubts about the conclusions of the Shah Nawaz Khan Committee Report. Presumably, what Shri Nehru had in mind was that something should be done to persuade those who still doubted this fact to accept the finality of the conclusions that Netaji was no more. Shri Amiya Bose has however claimed that a month before his death, Pandit Nehru had agreed that a proper enquiry Commission should be formed.

Memorandum by 350 M.Ps.

15. On December 26, 1967, about 350 Members of Parliament sent a memorandum to the President demanding a fresh enquiry into the reported death of Netaji Subhas Chandra Bose. They had urged that further enquiry be made in collaboration with the Governments of Japan and Taiwan. This memorandum was discussed at a Meeting of Secretaries held under the Chairmanship of the Cabinet Secretary on 16th February, 1968 to examine the various points raised. As far as the question of a fresh enquiry was concerned, the meeting

was of the view that this was not warranted as no fresh evidence had been brought to light. This recommendation was brought to the Prime Minister's notice in connection with a question in the Lok Sabha on 21.2.1968. The Prime Minister, in reply to the question, stated that "since no new facts have been brought to light, Government do not consider that any fresh enquiry is warranted.

Recent requests for official enquiry

16. Shri Samar Guha wrote in May this year to the Prime Minister requesting for a judicial enquiry on the analogy of the enquiry being conducted in regard to Gandhiji's assassination 20 years after Mahatmaji's death. The Foreign Minister in reply to this letter informed Shri Guha that the terms of reference of the enquiry being conducted into Mahatma Gandhi's assassination did not seek to establish Gandhiji's death. In the letter sent to the Prime Minister by 44 M.Ps., dated August 7, the request for the appointment of a fresh enquiry Commission, consisting of retired Supreme Court Judges and eminent public men, has been made on the ground that a fresh probe was being conducted in regard to the assassination of Mahatma Gandhi and that a judicial enquiry was also being conceded in response to a number of M.Ps' request into the cause of death of the Jan Sangh Leader Shri Dindayal Upadhyay. It is quite obvious that these two examples that have been cited are not on all fours with the demand for an enquiry to establish the death of Netaji Subhas Chandra Bose.

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17. The question of inquiry was again raised in the Lok Sabha on August 22, 1969 during the course of interpellation on Starred Question No.8 Shri S.M. Banerji wanted to know why the Government could not appoint another Commission to inquire into the whole thing. The Home Minister replied "This matter is under the active consideration of the Government. The Prime Minister has recently received certain memorandum from Members of Parliament and we are very actively considering this."

18. It is for consideration whether a Commission of Inquiry should be appointed. In case it is decided that such a Commission should be appointed, it may consist of a single Judge of the Supreme Court. Minister of Home Affairs and Minister of External Affairs have seen this note.

(L. P. Singh)
Secretary to the Govt. of India

/_32/132/69-Poll.I(A)_/

NEW DELHI-1.

The 1st September, 1969.

Cabinet Secretariat

3796/2000-T
9/10/2000

Copy No. 3/7

TOP SECRET
MOST IMMEDIATE
TIME BOUND

(2)

PRIME MINISTER'S OFFICE

SOUTH BLOCK
NEW DELHI-110011.

Subject:- Justice Mukherjee Commission of Inquiry appointed to enquire into alleged disappearance of Netaji Subhash Chandra Bose- Declassification of records.

Reference is invited to this Office U.O. of even number date 14th/15th September, 2000, on the subject mentioned above.

2. Keeping in view the fact that the next date of hearing of the Commission has been fixed on 26.9.2000, by which date the stand of the Government in the matter of claiming privilege regarding classified documents contained in this Office classified files, copies of which have already been made available to the Commission, is to be made known to the Commission, it has now been decided that the Ministry/Department/Agency concerned, should take a decision regarding the desirability or otherwise of the references originating from their respective Ministry/Department/Agency(copies were sent alongwith our U.O. dated 14th/15th September, 2000) and convey it to the Commission, direct, at the following address, under intimation to this Office:-

Important
For Sri Bhowmik US (D-IV)
(through T Branch)

Shri P.K. Sengupta,
WBHJS(Retd.)
Secretary,
Justice Mukherjee Commission of Inquiry,
'B' Block(Yhird Floor),
11/A,Mirza Ghalib Street,CALCUTTA-700087.

2. It is requested that early action may kindly be taken in

the matter, under intimation to this Office.

(ARCHNA RANJAN)
DIRECTOR
Tel.No.301393

Shri R.D.Choudhury,Director General,National Museum,Janpath,New Delhi-110011.

Shri P.Mahendru,Jt.Director,IB(MHA)New Delhi.

Shri A,K,Paitandy,Director(IS-I)MHA (alongwith a copy of the reply sent by Cab.Sectt)

Shri G.B.Singh,Director,M/Defence,History Division,West Block No,8,R.K.Puram,New Delhi-110066.

Shri Ravi Mittal,Director, Cabinet Secretariat,New Delhi.

P.M.O.U.O.No.G.16(4)/2000-NGO dated: 21 -9-2000.

Copy for information to Shri Jayant Prasad, JS(CNV)M/External Affairs,South Block,New Delhi, w.r. to MEA U.O.No.25/4/NGO (Vol.V) dated 19.9.2000.

(ARCHNA RANJAN)
DIRECTOR.

21/9/2000

S. No. 13 (R)

SECRET/MOST IMMEDIATE

CABINET SECRETARIAT
RASHTRAPATI BHAVAN

.....

Subject:- Declassification of records.

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Kind reference is invited to PMO UO No. 16(4)/2000-NGO dated 15.9.2000, on the above subject.

2. The background notes for consideration of the Cabinet on 'Proposal to bring the mortal remains of Netaji Subhash Chandra Bose from Japan to India' (dated 2.2.1995), 'Fresh inquiry into disappearance of Netaji Subhas Chandra Bose in 1945 – Demand for' (dated 18.2.1970) and the Core Group on 'Controversy about Netaji's death and allegations that he was an MI-6 Agent' (dated 16.5.1994) were received from MHA.

3. The minutes will have the same grading as the notes which have originated from MHA. This Secretariat has no objection to whatever grading MHA may wish to give these background papers. It is, therefore, for MHA to decide the grading of these papers.

18/9

(Ravi Mital)
Director.

19/9
US (NGO)

PMO. [Ms. Archana Ranjan, Director].
Cabinet Secretariat ID Note No. 281/12/1/2000-TS dated 18.9.2000.

Thank T. Brandy
For Sri Bhatia, US (D.IV)
and Sri S.N. Singh.
T. Brandy

7.10.2000
Dir (IS-I)

प्र.सं.का. (एन.जी.ओ.)/PMO (NGO)
क्र.सं./Dy. No. 6429/2000
दिनांक/Date 20/9/2000